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10/074,137	02/12/2002	Junichi Yamagishi	F-7234	8924

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EXAMINER

HASHEM, LISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/074,137

Applicant(s)

YAMAGISHI, JUNICHI

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7,10,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,10,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 7, 10, and 13-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,695,702 by Morita.

Regarding claim 1, Morita discloses a control apparatus or entertainment system main body (Fig. 5, 1), using a mobile communication terminal or portable telephone set (Fig. 5, 3) (see Abstract), comprising: a game play portion, having at least a game start approval button (col. 4, lines 39-51; col. 6, lines 57-64), which enables a game play according to personal information (col. 7, line 53 – col. 8, line 34); an input portion (col. 6, lines 63-64), for inputting personal information through a mobile communication terminal, to enable call making (col. 6, lines 12-15 and lines 38-41; col. 6, line 65 – col. 7, line 17; col. 7, line 53 – col. 8, line 34); and a control portion or MPU of the entertainment system main body (Fig. 2, 100) (col. 5, lines 35-67), which makes a call to an accounting center or Mopera (mobile operation radio assistant) (Fig. 5, 40) (col. 8, lines 23-26) and actuates a game credit switch, to enable the game play by said game play portion; when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal (col. 8, lines 12-28), wherein said accounting center bills corresponding to said call made by operating said game start approval

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button (col. 6, lines 12-15 and lines 38-41; col. 7, line 53 – col. 8, line 34). Wherein, the portable telephone sets (Fig. 5, 3 -> connected to the entertainment system main body and Fig. 5, 3B -> carries out two-way communication with an i-mode center) are the same mobile communication terminal (col. 6, lines 44-52).

Regarding claim 2, Morita discloses a control apparatus or entertainment system main body (Fig. 5, 1), using a mobile communication terminal or portable telephone set (Fig. 5, 3) (see Abstract), comprising: a game play portion, having at least a game start approval button (col. 4, lines 39-51; col. 6, lines 57-64), which enables a game play according to personal information (col. 7, line 53 – col. 8, line 34); an input portion (col. 6, lines 63-64), for inputting personal information through a mobile communication terminal (col. 10, lines 7-25), to enable call making (col. 6, lines 12-15 and lines 38-41; col. 6, line 65 – col. 7, line 17; col. 7, line 53 – col. 8, line 34); and a control portion or MPU of the entertainment system main body (Fig. 2, 100) (col. 5, lines 35-67), which makes a call to an information service center or Mopera (mobile operation radio assistant) (Fig. 5, 40) (col. 8, lines 23-26) and actuates a game credit switch, to enable the game play by said game play portion, when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal (col. 8, lines 12-28), wherein said information service center bills corresponding to said call made by operating said game start approval button (col. 6, lines 12-15 and lines 38-41; col. 7, line 53 – col. 8, line 34). Wherein, the portable telephone sets (Fig. 5, 3 -> connected to the entertainment system main body and Fig. 5, 3B -> carries out two-way communication with an i-mode center) are the same mobile communication terminal (col. 6, lines 44-52).

Regarding claim 3, the control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Morita further discloses said information service center stores game play information and dispatches said stored game play information corresponding to said call; and said control portion receives said dispatched game play information and outputs said received game play information prior to said game play (col. 6, line 53 – col. 7, line 30; col. 7, line 53 – col. 8, line 34).

Regarding claim 6, a control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Morita further discloses an identification number input portion for inputting an identification number (user ID), wherein said control portion makes said call to the information service center if said input personal information (registered I-mode portable telephone set) and said input identification number coincides with personal information stored therein in advance and if said game start approval button is operated (col. 4, lines 48-51; col. 6, lines 57-64; col. 7, line 53 – col. 8, line 34).

Regarding claim 7, a control apparatus using the mobile communication terminal according to claim 3 mentioned above, wherein Morita further discloses an identification number input portion for inputting an identification number (user ID), wherein said control portion makes said call to the information service center if said input personal information (registered I-mode portable telephone set) and said input identification number coincides with personal information stored therein in advance and if said game start approval button is operated (col. 4, lines 48-51; col. 6, lines 57-64; col. 7, line 53 – col. 8, line 34).

Regarding claim 10, Morita discloses a control method using a mobile communication terminal or portable telephone set (Fig. 5, 3) (see Abstract) comprising: a game play portion,

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having at least a game start approval button (col. 4, lines 39-51; col. 6, lines 57-64), which enables a game play according to personal information (col. 7, line 53 – col. 8, line 34); an input portion (col. 6, lines 63-64), for inputting personal information through a mobile communication terminal, to enable call (col. 6, lines 12-15 and lines 38-41; col. 6, line 65 – col. 7, line 17; col. 7, line 53 – col. 8, line 34); and a control portion or MPU of the entertainment system main body (Fig. 2, 100) (col. 5, lines 35-67), which makes a call to an information service center or Mopera (mobile operation radio assistant) (Fig. 5, 40) (col. 8, lines 23-26) and actuates a game credit switch, to enable the game play by said game play portion, when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal (col. 8, lines 12-28), wherein said information service center bills corresponding to said call made by operating said game start approval button (col. 6, lines 12-15 and lines 38-41; col. 7, line 53 – col. 8, line 34). Wherein, the portable telephone sets (Fig. 5, 3 -> connected to the entertainment system main body and Fig. 5, 3B -> carries out two-way communication with an i-mode center) are the same mobile communication terminal (col. 6, lines 44-52).

Regarding claim 13, a control apparatus using the mobile communication terminal according to claim 1 mentioned above, wherein Morita further discloses said mobile communication terminal makes said input by radio (Fig. 5, 3B; col. 6, lines 44-52; col. 8, lines 12-27).

Regarding claim 14, a control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Morita further discloses said mobile communication terminal makes said input by radio (Fig. 5, 3B; col. 6, lines 44-52; col. 8, lines 12-27).

Regarding claim 15, a control apparatus using the mobile communication terminal according to claim 3 mentioned above, wherein Morita further discloses said mobile communication terminal makes said input by radio (Fig. 5, 3B; col. 6, lines 44-52; col. 8, lines 12-27).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita.

Regarding claim 11, Morita discloses a control method using a mobile communication terminal or portable telephone set (Fig. 6, 3) (see Abstract; col. 8, lines 35-63) comprising: a game play portion, having at least a game start approval button (col. 4, lines 39-51; col. 6, lines 57-64), which enables a game play; an input portion (col. 6, lines 63-64), for inputting personal information through a mobile communication terminal (col. 10, lines 7-25), to enable making a call (col. 6, lines 12-15 and lines 38-41; col. 6, line 65 – col. 7, line 17), said mobile communication terminal capable of being connected to the Internet (Fig. 6, 53); and a control portion or MPU of the entertainment system main body (Fig. 2, 100) (col. 5, lines 35-67), which makes a call to an Internet service provider or ISP mopera (Fig. 6, 51).

Morita does not disclose enabling a game according to personal information and actuating a game credit switch, to enable the game play by said game play portion, when said game start approval button is operated on the basis of the input of personal information by said

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mobile communication terminal, wherein said Internet service provider bills corresponding to said call made by operating said game start approval button.

Morita inherently discloses a control method using a mobile communication terminal or portable telephone set (Fig. 6, 3) (see Abstract; col. 8, lines 35-63) comprising: a game play portion, having at least a game start approval button (col. 4, lines 39-51; col. 6, lines 57-64), which enables a game play according to personal information (col. 7, line 53 – col. 8, line 34); an input portion (col. 6, lines 63-64), for inputting personal information through a mobile communication terminal (col. 10, lines 7-25), to enable making a call (col. 6, lines 12-15 and lines 38-41; col. 6, line 65 – col. 7, line 17; col. 7, line 53 – col. 8, line 34), said mobile communication terminal capable of being connected to the Internet (Fig. 6, 53); and a control portion or MPU of the entertainment system main body (Fig. 2, 100) (col. 5, lines 35-67), which makes a call to an Internet service provider or ISP mopera (Fig. 6, 51) and actuates a game credit switch, to enable the game play by said game play portion, when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal, wherein said Internet service provider bills corresponding to said call made by operating said game start approval button (col. 8, lines 35-63). Wherein, the portable telephone sets (Fig. 5, 3 -> connected to the entertainment system main body and Fig. 5, 3B -> carries out two-way communication with an i-mode center) are the same mobile communication terminal (col. 6, lines 44-52). Wherein, Fig. 6 is an entertainment system in addition to the services of Fig. 5, and Fig. 6 indicates an Internet worldwide standard (col. 6, line 16-41).

It would have been obvious to one of ordinary skill in the art at the time the



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invention was made to modify the control method of Morita to include an embodiment that enables game playing according to personal information as taught by the embodiment of Fig. 5 of Morita. One of ordinary skill in the art would have been lead to make such a modification since the embodiment of Morita including the Internet (Fig. 6) is an entertainment system in addition to the embodiment of Fig. 5, utilizing an Internet worldwide standard.

***Response to Arguments***

5. All items addressed in the Amendment filed on 10-27-2004, not mentioned below are acknowledged by the Examiner.

6. Applicant's arguments with respect to claims 1-3, 6, 7, 10, 11, and 13-15 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,468,162 by Nakamura discloses a game machine using a portable device comprising a game play portion

10. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

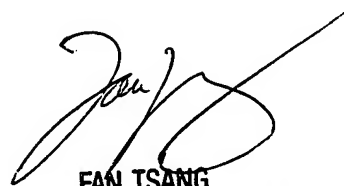
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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

April 11, 2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600